

REMARKS**Summary of the Office Action**

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by Sugaya (US 6,304,446), claims 3, 4, 8, 9, 11, 12, 14, and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Tsunekawa et al. (US 6,348,975), and claims 2, 5-7, 10, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsunekawa et al. in view of Sugaya.

Summary of Response to the Office Action

Applicant has amended independent claim 4 to correct grammatical error, and has added new claims 16-18. Accordingly, claims 1-18 are presently pending.

Rejections Under 35 U.S.C. § 102(e)

Initially, Applicant respectfully requests clarification regarding identification of references cited in the rejections under 35 U.S.C. § 102(e) and identification of references discussed in the body of the rejections under 35 U.S.C. § 102(e).

For a first example, claim 1 allegedly is rejected “under 35 U.S.C. § 102(e) as being anticipated by Sugaya (US 6,304,446).” However, the patent number cited by the Examiner is not assigned to Sugaya, as provided with the Office Action. Furthermore, the body of the rejection makes reference to features and disclosures that are not found in Sugaya (US 6,304,336). Moreover, the first line of the body of the rejection recites, in part, “[w]ith regard to claim 1, Tsunekawa discloses...”

For a second example, claims 3, 4, 8, 9, 11, 12, 14, and 15 are allegedly rejected “under 35 U.S.C. § 102(e) as being anticipated by Tsunekawa et al. et al. (Tsunekawa) (US 6,348,975).” However, the body of the rejection makes reference to features and disclosures that are not found

in Tsunekawa et al. Moreover, the first line of the body of the rejection recites, in part, “[w]ith regard to claim 3, Sugaya discloses...”

Accordingly, since the rejections under 35 U.S.C. § 102(e) appear to be predicated upon mis-identified references, as well as teachings and disclosures of mis-identified references, Applicant respectfully submits that the following arguments and discussions regarding both Sugaya (US 6,304,336) and Tsunekawa et al. (US 6,348,975) are tentative. Thus, in the event that Applicant’s arguments and discussions are not deemed persuasive based upon the (mis-) identification of the references in the Office Action, Applicant respectfully requests that a second non-final Office Action be issued.

All Claims Define Allowable Subject Matter

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by Sugaya (US 6,304,446), claims 3, 4, 8, 9, 11, 12, 14, and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Tsunekawa et al. (US 6,348,975), and claims 2, 5-7, 10, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsunekawa et al. in view of Sugaya. Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1 recites, in part, image processing apparatus including “an analyzing part that predicts an image upon printing by analyzing a content of the page description language inputted by the input part.” Similarly, independent claim 3 and amended independent claim 4 both recite, in part, “an analyzing part that predicts whether image deterioration will occur or not upon printing by analyzing a content of the page description language inputted by the input part.”

In contrast to Applicant’s claimed invention, Tsunekawa et al. teaches (column 24, lines 58 to column 25, line 18) an image processing method that minimizes memory space in

order to increase processing speed. Similarly, Sugaya teaches (ABSTRACT) an image processing apparatus and an image processing method that manipulate registration of memory space for form data (user resource image data) so that the form data can be reused without being changed.

MPEP §2131 instructs that “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

Moreover, MPEP §2143.03 instructs that “[t]o establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 4980 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Accordingly, Applicant respectfully submits that since neither Tsunekawa et al. nor Sugaya, whether taken singly or combined, teach or suggest every feature of at least independent claims 1, 3, and amended independent claim 4, and hence dependent claims 2 and 5-15, neither Tsunekawa et al. nor Sugaya anticipates claims 1-15. Thus, Applicant respectfully requests that the rejections of claims 1-15 in view of Tsunekawa et al. and/or Sugaya should be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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